

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE District**

April 17, 2007

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B192296 People v. David W.
B193093 Children and Family Services v. Nery D.
B186175 People v. Howard
B184096 People v. George
B190224 People v. Stone
B194668 Children and Family Services v. Tamara S.

Argument waived, cause submitted.

B190613 Bernd, et al.
 v.
 Bernd

Merits:

Argued by Gary Weinstein for appellant and by Fesia Davenport, deputy county counsel for respondent. Cause submitted.

April 17, 2007 (Continued)

DIVISION THREE (continued)

B189260 Chosen Few Information Systems, Inc., et al.
 v.
 M&N Rug Enterprises, et al.

Merits:

Argued by Jason Booth for appellants and by John Wilson and James Link
for respondents. Cause submitted.

B188991 Castillo
 v.
 Pacheco, et al.

Merits:

Argued by Carol Sobel for appellants and by Fumio Nakahiro for
respondent. Cause submitted.

B190950 Faust
 v.
 California Portland Cement Co.

Merits:

Argued by Laura Horton for appellant and by Robert Vogel for respondent.
Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and V. Gray, Deputy Clerk.

DIVISION THREE (continued)

Each of the following:

B189648 People v. Taylor
B189742 People v. Lathan
B192312 People v. Jones
B188952 People v. Sanders
B196731 Johnny V. v. S.C.L.A.

Argument waived, cause submitted.

B190105 Olvera
v.
Stotzer, et al.

Merits:

Argued by William T. Drescher for appellant and by Linda Paquette for respondent. Cause submitted.

B182249 Dent
v.
Farmers Insurance Exchange, et al.

Merits:

Argued by Cynthia Tobisman for appellant and by Paul Mahoney for respondent. Cause submitted.

B189630 City of Santa Monica, et al.
v.
City of Los Angeles, et al.

Merits:

Argued by Joseph Lawrence, deputy city attorney, Sabrina Venskus and Brian Acree for appellants and by Mary Decker, deputy city attorney and Robert Crockett for respondents. Submission deferred.

April 17, 2007 (Continued)

DIVISION THREE (continued)

Court adjourned at 5:02 p.m.

B195835 Rosa Mendoza et al (Certified for Publication)
v.
State of California et al
Los Angeles Parents Union et al

The judgment is affirmed. Plaintiffs shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B188076 Vanhorn, et al.
B189254 v.
Torti

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B191612 Rahmanian (Not for Publication)
v.
Nelson et al.

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B189881 People (Not for Publication)

V.

Adam F.

The order of warship is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.

Manella, J.

B188454 People (Not for Publication)

V.

White

The judgment is modified to stay the sentence on count 5 pursuant to section 654. The superior court clerk is directed to amend the abstract of judgment to reflect that modification, and to forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.

Suzukawa, J.

B193086 People (Not for Publication)

V.

Estrada

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

April 17, 2007 (Continued)

DIVISION SEVEN

B190554 People (Not for Publication)

V.

Molina

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.

Woods, J.

B191643 Century Surety Company (Not for Publication)

V.

P & S Fashion, Inc.,

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.

Johnson, J.

B198194 People (Not for Publication)

V.

Martinez

The judgment is modified to reflect defendant Martinez is to receive 575 days of presentence credit. In all other respects the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.

Woods, J.

April 17, 2007 (Continued)

DIVISION SEVEN (continued)

B190744 People (Not for Publication)

V.

Mora

The judgment is reversed with respect to the conviction on count 7 for kidnapping with intent to commit rape; and the matter is remanded for resentencing, including lifting the stay on the sentence as to count 4 for kidnapping. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.

B181232 People (Not for Publication)

V.

Nava, Jr.,

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.

Woods, J.

B138229 Smolker

V.

Pacific Villas Homeowners Association et al.,

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION EIGHT

B189251 On-Line Power, Inc., (Certified for Publication)
 v.
 Mazur

For the reasons set forth above, the order denying Mazur's motion for attorney's fees is reversed, and the matter is remanded to permit the trial court to address the issues we have identified. Each party to bear its own costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B188368 People (Certified for Publication)
 v.
 Towers

For the reasons set forth above, the judgment is reversed only as to the Three Strikes allegation based on Towers's 1989 California conviction under section 288a, subdivision (c), and the matter is remanded for a new trial as to that issue only. If a retrial results in a finding that the California conviction qualified as a strike conviction, then the original sentence is reinstated. If not, then the trial court is to hold a new sentencing hearing. In all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

DIVISION EIGHT (continued)

B196582 Lewitt,
 v.
 Lavin et al.,

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed January 26, 2007) dismissed only as to the judgment of July 7, 2006, in favor of defendants Michael Lavin and Tom Eckert.

B192868 Richard Segal et al.,
 v.
 David Silberstein et al.,

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed July 27, 2006) dismissed.